



Atty. Dkt. No. 355492-2554

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas J. WHALEN, II et al.
Title: NOVEL HIGH VISCOSITY
EMBOLIZING COMPOSITIONS
Appl. No.: 09/973,951
Filing Date: October 11, 2001
Examiner: S. Sharareh
Art Unit: 1617

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 512615036 US June 30, 2004
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Gema E. Martinez
(Printed Name)

Gemartinez
(Signature)

TERMINAL DISCLAIMER

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned represents that Micro Therapeutics, Inc. (Petitioner), is the assignee of the entire 100% right, title and interest in and to the above identified application by virtue of an assignment which was recorded in parent application, No. 09/574,379, now U.S. Patent 6,531,111 and recorded on March 9, 2001 at Reel 011576 Frame 0765 and Reel 011577 Frame 0080.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent No. 6,454,738 which issued on September 24, 2002 and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,454,738.

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Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,454,738 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned hereby confirms that she has reviewed the assignment and, to the best of her knowledge and belief, title is in the assignee seeking to take action in this matter.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date 6-30-04

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